

**ORDINANCE NO. 08-55**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A REAR SETBACK OF 16 FEET, WHERE 20 FEET ARE REQUIRED AND TO ALLOW A LOT COVERAGE OF 59%, WHERE A MAXIMUM OF 50% IS ALLOWED, CONTRA TO HIALEAH CODE §§ 98-689 AND 98-690. **PROPERTY LOCATED AT 1830 WEST 73 PLACE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of May 14, 2008, recommended approval of this ordinance; and

**WHEREAS**, the petitioner proffers to comply with City of Hialeah Code requirements for pervious area, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow a rear setback of 16 feet, where 20 feet are required, and to allow a lot coverage of 59%, where a maximum of 50% is allowed, contra to Hialeah Code §§ 98-689 and 98-690, which provide in pertinent part: “The rear setback shall be a minimum of 20 feet.” and “The maximum lot coverage for each individual lot is 50 percent.” respectively. Property located at 1830 West 73 Place, Hialeah, Miami-Dade County, Florida, zoned R-4 (Townhouses), and legally described as follows:

LOT 24, BLOCK 4, OF FIRST ADDITION TO PALM SPRINGS LAKES TOWNHOUSES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

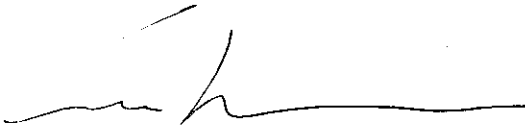
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10th day of June, 2008.

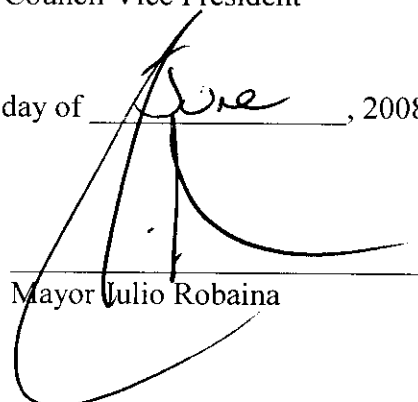
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.



Carlos Hernandez  
Council Vice President

Attest:

Approved on this 13 day of June, 2008.

  
Rafael E. Granado, City Clerk  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.